Attachment to Independent Case Review Report For CDRU # 867B Case file # 95-HO-290524.

Material Examiner Malone (RO)

Remarks:

After research it has been determined that the Laboratory numbers 901018049 and 901018050 have been discontinued and the incoming communication for Laboratory number 920423045 is missing from the case file at the time of review by the Independent Scientist.

| ndependent Review conducted      | d by:       | Steve Robertso         | n          | · · · · · · · · · · · · · · · · · · ·  |             |               |
|----------------------------------|-------------|------------------------|------------|--|-------------|---------------|
| ·                                |             |                        |            |  | ·<br>       | •             |
| Area(s) of Expertise: Hair a     | and Fibe    | er                     |            |  |             |               |
|                                  |             | F 100h., 4             |            |  |             | ••            |
| Review commenced at: 10          | ):30 AM     | (Time),                | 09/16/99   | Date                                   |             |               |
| File #: 95-290524                | <del></del> |                        | •          |  | **          |               |
|                                  | _           | <del></del>            |            |  | -           | ,             |
| Laboratory #(s): 91027050        |             | <u> </u>               |            | 204230                                 | 045         |               |
| 91027053                         |             | ·                      |            |  |             |               |
| 91108074                         |             |                        |            | <u> </u>                               |             |               |
|                                  |             |                        |            | <u> </u>                               |             |               |
| ,                                |             | Examiner(s             | s) & Symbo | ols                                    |             |               |
| Revie                            | ewed        | Not Reviewed           |            |  | Reviewed    | Not Reviewed  |
| RQ . X                           | 3           |                        |            |  | D           |               |
| , C                              | <br>]       | . ,.                   |            |  |             |               |
|                                  | ם           |                        |            |  | <b>©</b>    | •             |
|                                  | •           |                        | · ·        |  |             |               |
|                                  |             | Material               | s Reviewed | 1                                      |             |               |
| Trial testimony transcript(s) of | f:<br>_     | Michael Malone         | <u>.</u>   | •                                      | ·           |               |
| Testimony Date(s):               | Feb 2       | ·<br>3/24, 1994        | Pages:     | 3111-3175                              |             | •             |
|                                  |             |                        |            |  |             |               |
| aboratory Report(s):             |             | •                      |            |  |             |               |
| Laboratory Number:               | 910         | 27050                  |            | Date:                                  | Dec 1, 1989 |               |
| Laboratory Number:               | 910         | 27053, 91108074        |            | Date:                                  | Dec 8, 1989 | <u>-</u>      |
| Laboratory Number:               | 204         | 23045                  |            | Date:                                  | Sep 9, 1992 | · · · · · · · |
| Commission Danah Natas afi       | DΩ          | ,                      |            | ٠                                      | •           |               |
| Examiner Bench Notes of:         | RQ          | 27050                  |            | <del></del>                            |             |               |
| I sharetare Number               | <del></del> |                        |            |  |             |               |
| Laboratory Number:               | 010         | 27053 Q110807 <u>4</u> |            |  |             |               |
| Laboratory Number:               |             | 27053, 91108074<br>    |            | ······································ |             |               |

| If yes, please identify and/or describe the mate  | rial: Submitting age   | ency letter   | dated O   | oct 9, 1990, page 2.   |
|---|--|---|---|--|
| Also refer to review of 95-290529.  | -  | ,   | ,   | ·  |
|   |  |   | ,   |  |
| ·   |  |   |   |  |
| R   | esults of Review   | ,-<br>/   | ## # -  |  |
| File #: 95-290524 Item  | n or Specimen # Reviev   | wed: Fr   | rom victi   | im Stanford in 91027050  |
| 21-Q2, Q4-Q7. From victim Sweets in 910270.   | 53, 91108074, 2042304  | 45:.Q1-Q8   | 3, Q16-Q  | 21, K1-K7, K8-K16  |
| Review of Labor   | ratory Report(s) and   | l Bench   | Notes:  |  |
| Note: Numbered c  | omments are required   |   |   | nses   |
| additional pages for any "  | iate tests in a scientifica  | ally accep  | table ma  | nner, based on the l examination(s)?   |
| additional pages for any "  Did the examiner perform the appropriate methods, protocols, and analytic technical and the examination results set forth in the bench notes?   | iate tests in a scientification of the time of the time of the laboratory report(s   | ally acceptime of the Unat  | table ma<br>origina<br>ole to De  | nner, based on the I examination(s)? termine lequately documented in         |
| additional pages for any "  Did the examiner perform the appropriate methods, protocols, and analytic technical and the examination results set forth in the bench notes?   | iate tests in a scientificate tests in a scientificate ques available at the tiend Yes No the laboratory report(s  | ally acceptime of the Unat  | table mand and and and and and and and and and  | nner, based on the I examination(s)? termine lequately documented in         |
| additional pages for any "  Did the examiner perform the appropriate methods, protocols, and analytic technical and the examination results set forth in the bench notes?  Re   | iate tests in a scientificate ques available at the time of Yes  No  No  No  No  No  No  No  No  No  N   | ally acceptime of the Unat  | table mand and and and and and and and and and  | nner, based on the l examination(s)? termine lequately documented in termine |
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| Did the examiner perform the approprimethods, protocols, and analytic techni  Are the examination results set forth in the bench notes?  Re  Note: Numbered c additional pages for any '  | iate tests in a scientification of the laboratory report(s  Tyes No  The laboratory report(s  Yes No  Eview of Testimony  comments are required  No" or "Unable to D | ally acceptime of the Unat  | table mand and and and and and and and and and  | nner, based on the I examination(s)? termine lequately documented in termine |
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Page 2 of 4
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## Comments

(Set forth by above question #, if applicable. Use "Additional Comments" Sheet, if needed)

|  | 50.4                  | •                                       | <u> </u>               |                       |                  |
|--|-----------------------|---|------------------------|-----------------------|------------------|
| File #: 95-290                               | 524                   | ·<br>·                                  |                        |                       |                  |
| #1. There is docum                           | ented data that ma    | erginally supports                      | the testing performed  | l. The examiner cou   | ild have         |
| performed infrared                           | analysis, a more s    | specific analysis th                    | an microscopy, to sp   | ecifically identify t | he polymer type  |
| of the nylon fibers.                         | The match criteria    | a for the microspe                      | ctrophotometer spect   | ra is unknown.        | •                |
| #2. The results are 1                        | not adequately do     | cumented in the ne                      | otes. None of the note | es are dated, most a  | re written in    |
| pencil and abbrevia                          | tions are used that   | t are difficult to in                   | terpret. The Textile F | iber Comparison w     | orksheet does    |
| not specify which K                          | C fiber is being exa  | amined. The spect                       | ra from the microspe   | ctrophotometer are    | not marked with  |
| the instrumental par                         | rameters used. Ma     | my of the notes co                      | ntain no data, only a  | conclusion.           | ,                |
| #5. The examiner to                          | estified that the fib | ers can "only be f                      | rom carpet - it can be | nothing else". This   | is a strong ·    |
| statement and likely                         | y incorrect. Else, v  | vhy would he have                       | e used the term "carpo | etlike" to describe t | he fibers in his |
| report dated Dec. 8,                         | , 1989 (lab 91027(    | 053,91108074)?                          |                        |                       |                  |
|  |                       |   |                        |                       |                  |
| Review.completed                             | at: 1:15 PM           | (Time),                                 | 09/16/99               | (Date)                |                  |
| •  | <del></del>           | *************************************** |                        |                       |                  |
| Total time spent corhour):                   | nducting review (t    | o nearest 1/4                           | 23/4 h                 | ours.                 | •                |
| ·  |                       |   |                        |                       | •                |
| I hereby certify that I are fully documented |                       | <del>-</del>                            |                        |                       | lts of my review |
| are fully documented                         | on this topott con    | isisting of a total t                   | 0 0                    | , ,                   |                  |
|  | •                     |   | The Cohen              | ti                    | 9-16-59          |
|  |                       |   | (Signature)            |                       | (Date)           |
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|  | u.*                   | Page 3                                  | of 4                   |                       |                  |
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## Additional Comments (Set forth by question #, if applicable)

| File #:     | 95-290524                      | ·                                     | ,                                     |                 |
|-------------|--------------------------------|---------------------------------------|---------------------------------------|-----------------|
| He also     | testified "if it has lobes lik | ce this, you know it has to be        | a nylon". Trilobal fibers can be      | made with other |
|             | pesides nylon, so this states  |                                       |                                       |                 |
| Testimo     | ony that "we have a machi      | ne that can get it down to one        | e specific dye from all others", "    | it can tell     |
| one partice | alar dye from all others" ar   | nd "they had exactly the same         | e dyes" is incorrect and misleadi     | ng. The         |
| microspec   | trophotometer is used to m     | easure color. Articles publis         | hed in the Journal of Forensic Sc     | iences in       |
| 1988 and 1  | 1990 specifically point out    | that spectra cannot be used t         | o identify dyes - they only allow     | determination   |
| of color.   |                                |                                       | ·                                     | . :             |
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|             | `                              | Page 4 of 4                           | <i>l</i>                              |                 |
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Attachment to Independent Case Review Report For CDRU # 869 Case file # 95-290529.

Material Examiner Malone (RO)

## Remarks:

After research it has been determined that the dictation notes of Examiner Malone (RO) are missing/incomplete from the case file for submission 901018048 which may be due to this submission being discontinued at the time of review by the Independent Scientist.

|                         |   |                       |              |                       | •          |
|-------------------------|---|-----------------------|--------------|-----------------------|------------|
|                         | INDEPENDENT CASE                        | REVIEW R              | EPORT        |                       |            |
| ndenendent Review co    | onducted by: Sieve Roe                  | EKTSON                |              |                       |            |
|                         | HAIR AND FIBURS                         |                       | ···          |                       | •          |
| •                       | 8:15AM (Time), 09113                    |                       | · .          | · ·                   | , hay      |
| File #: 95-2            | 90529                                   |                       |              | •                     | •          |
| aboratory #(s):         | 10270525 RQ                             |                       | <del> </del> | •                     |            |
|                         |   | -                     | ·<br>        |                       | ·          |
| •                       |   |                       |              | ,                     |            |
|                         |   |                       | •            |                       | * ·        |
|                         | Examiner(s) &                           | Symbols               |              |                       |            |
| RQ                      | Reviewed Not Reviewed                   |                       | Reviewed     | Not Reviewed          | •          |
|                         |   |                       |              | а                     |            |
| No. 1.7 AM              |   |                       |              | , o                   | •          |
| rial testimony transcri | Materials Rep<br>pt(s) of: MICHAEL MALO |                       |              | ·                     |            |
| Testimony Da            | te(s): FeB 23/24, 1994 Page             | es: <u>3111 – 311</u> | 3 , 3i50     | -3175                 |            |
| aboratory Report(s):    | ,                                       |                       | •            |                       |            |
| Laboratory No           | umber: 91027052                         | Date:                 | 12-01-8      | <del>9</del> 9        |            |
| Laboratory Nu           | ımber:                                  | Date:                 |              | <del></del>           |            |
| Laboratory Ni           | ımber:                                  | Date:                 |              | <del></del>           |            |
| xaminer Bench Notes     | of: 91027052                            |                       |              | •                     |            |
| Laboratory Ni           | ımber:                                  |                       | •            |                       |            |
| Laboratory Nu           | ımber:                                  | ·                     |              |                       |            |
| Laboratory Nu           | mber:                                   |                       | •            |                       | ,          |
|                         | Page / of                               | 4                     |              |                       |            |
|                         | Initials: 87                            | u                     |              | CRM <sup>.</sup> - 66 | 95         |
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| Was any other material reviewed? Yes D   | ło .  | •  |
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| If yes, please identify and/or describe the material:  |   | TIGATION FROM Homicioe   |
| TASK Force, SUBMISSION LETTER DATED  |   |  |
| SUBMISSION LETTUR DATED 10-09-90   | •   |  |
| SUOMISSION LETTER DITTED TO OTTO   | ·   |  |
|  | <del></del>                                 | -  |
| Results o  | f Review                                    |  |
| File #: 95-290529 Item or :  | Specimen # Reviewed                         | : Q1-Q15   |
|  |   |  |
| Pariou of Laboratori Pa  | north) and Banch                            | Notes:   |
| Review of Laboratory Re  |   | ·  |
| Note: Numbered comments additional pages for any "No" or "   |   | <b>_ _</b>   |
|  |   |  |
| <ol> <li>Did the examiner perform the appropriate tests in a<br/>protocols, and analytic techniques available at the</li> </ol>  |   |  |
| brocoots, and analysis contributes available at the  | the or the original o                       | Zumminon(2).   |
| protocols, and analytic techniques available at the t  |   | ple to Determine   |
| ☐ Ye  2) Are the examination results set forth in the laborato   | es □ No 🗗 Unab<br>ry report(s) supported    | ole to Determine and adequately documented in the  |
| □Ye  | es □ No 🗗 Unab<br>ry report(s) supported    | ole to Determine   |
| ☐ Ye  2) Are the examination results set forth in the laborato   | es □ No □ Unatery reported es □ No □ Unater | ole to Determine and adequately documented in the  |
| ☐ Ye  2) Are the examination results set forth in the laborato bench notes? ☐ Ye   | es □ No ¶ Unab                              | ole to Determine  and adequately documented in the ole to Determine  or on                 |
| 2) Are the examination results set forth in the laborato bench notes?   Review of Note: Numbered comments  | es □ No ¶ Unab                              | ole to Determine  and adequately documented in the ole to Determine  or on                 |
| Are the examination results set forth in the laborato bench notes?  Review of '  Note: Numbered comments additional pages for any "No" or "  | es □ No ¶ Unab                              | ole to Determine  and adequately documented in the ole to Determine  or on                 |
| Are the examination results set forth in the laborato bench notes?  Review of Note: Numbered comments additional pages for any "No" or "   | es □ No ¶ Unab                              | ole to Determine  and adequately documented in the ole to Determine  or on                 |
| Are the examination results set forth in the laborato bench notes?  Review of Note: Numbered comments additional pages for any "No" or "  Transcript not available.  | ry report(s) supported es                   | and adequately documented in the ole to Determine  or on e" Responses                      |
| Are the examination results set forth in the laborato bench notes?  Review of Note: Numbered comments additional pages for any "No" or "  Transcript not available.  Testimony consistent with the laboratory report(s)?   | ry report(s) supported s No Unat            | and adequately documented in the ple to Determine  or on e" Responses  Unable to Determine |
| Are the examination results set forth in the laborato bench notes?  Review of Note: Numbered comments additional pages for any "No" or "  Transcript not available.  Testimony consistent with the laboratory report(s)?  Testimony consistent with the bench notes? | Testimony:  Yes No                          | or on e" Responses  Unable to Determine  Unable to Determine                               |
| Are the examination results set forth in the laborato bench notes?  Review of Note: Numbered comments additional pages for any "No" or "  Transcript not available.  Testimony consistent with the laboratory report(s)?  Testimony consistent with the bench notes? | Testimony:  Yes No                          | or on e" Responses  Unable to Determine  Unable to Determine                               |
| Are the examination results set forth in the laborato bench notes?  Review of Note: Numbered comments additional pages for any "No" or "  Transcript not available.  Testimony consistent with the laboratory report(s)?  Testimony consistent with the bench notes? | Testimony:  Yes No                          | or on e" Responses  Unable to Determine  Unable to Determine                               |
| Are the examination results set forth in the laborato bench notes?  Review of Note: Numbered comments additional pages for any "No" or "  Transcript not available.  Testimony consistent with the laboratory report(s)?  Testimony consistent with the bench notes? | Testimony:  Yes No                          | or on e" Responses  Unable to Determine  Unable to Determine                               |

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| Comments -   |
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| (Set forth by above question #, if applicable.   |
| Use "Additional Comments" Sheet if needed)   |
| #1. THERE IS NO DOCUMENTED DATA, THEREFOLE, CANNOT DETERMINE   |
| IF TESTS WERE DONE IN A SCIENTIFICALLY ACCEPTABLE MANNER.  |
| #2. THERE IS NO DATA, UNLY A NOTE THAT Q1-Q15 ARE "NONE  |
| LIKE KI-KT AND NONE LIKE 91.027050   |
| 053<br>053   |
| 3, 4, 5. THE TRANSCRIPT IS MISSING MOST OF THE DIRECT GRAM.  |
| IT APPEARS THAT RQ TESTIFIES THAT CARPET FIBERS ON VICTIM  |
| SWEETS IS LIKE SUSPECT JONES' CARPET. THE FBI CASE FILE GIVEN  |
| TO REVIEW CONTAINS ONLY INFORMATION ABOUT VICTIM GLOVER.   |
| THERE IS A NOTE ON PAGE 2 OF A DOCUMENT DATED OCT 9,1990   |
| TO FBI THAT "EVIDENCE RET'O TO CONTRIDUTUR 4/8/91 UNEXAMINED.  |
| LONG. COVER LUTTER UNAVIAL) ", THERE IS ALSO AN ATTACHMENT   |
|  |
| Review completed at: 10:15 AM (Time), 9 1/3 199 (Date)   |
| Total time spent conducting review (to nearest 1/4 hour): 2 hrs.   |
| I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of pages. |
| St. O. +   |
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Page 3 of 4
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## Additional Comments (Set forth by question #, if applicable)

| File#: 95-290529   |
|--|
| TO INDEPENDENT CASE REVIEW REPORT FOR CARL CASE.                 |
| file #95-290529. This NOTE STATES "AFTER RESUARCH IT HAS         |
| BEEN DETERMINED THAT THE DETATION NOTES OF EXAMINER MAWNE (RQ)   |
| ARE MISSING/INCOMPRETE from the CASO FILE FOR SUBMISSION :       |
| · · · · · · · · · · · · · · · · · · ·                            |
| 901018048 WHICH MAY BE DUE TO THIS SUBMISSION BEING DISCONTINUED |
| AT THE TIME OF REVIEW BY THE INDEPENDENT SCIENTIST."             |
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Page 4 of 4
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Additional attachment for CDRU # 869, case file # 95-290529.

The lab work for CDRU # 868, case file #95-290526 of Examiner Malone (RQ) was requested and reviewed by the independent scientist. The independent scientist required this additional lab work to review to complete his review of CDRU #869, case file #95-290529.